

FARMINGTON CITY COUNCIL MEETING

Tuesday, July 20, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: *Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, City Finance Director Keith Johnson, Parks and Recreation Director Neil Miller, City Recorder Margy Lomax, and Recording Secretary Cynthia DeCoursey*

A ribbon-cutting ceremony was held in the new Farmington City building at 5:30 p.m. **Mayor Harbertson** gave a brief history of facts regarding the new building and expressed gratitude to all who assisted with the building. He welcomed those in attendance, including **Jim Smith** of the Chamber of Commerce, members of the Lakesiders Committee, and other City and County officials.

Mayor Harbertson began the work session at 6:05 p.m., **Jim Talbot** offered the opening prayer, and the following items were discussed:

Neil Miller, Parks & Recreation Director, requested feedback on the City's 2010 Festival Days held the previous week.

- Establish rules for candy and water.
- Storytelling event was successful; suggestion to locate the storytellers closer to the children.
- Marching bands are always popular.
- There were 90 entries, and the parade lasted approximately 1½ hours.
- The breakfast was very successful. The Davis School District offered the use of the kitchen at the school which worked out well.

Mr. Miller stated that he would like to have a Festival Days Chairman. The **Mayor** said a town hall meeting will be held on September 2, 2010, and the subject is volunteerism, which will be a good time to recruit a chairman and others to assist. The Council expressed gratitude to **Mr. Miller** and his staff for Festival Days and the landscaping of the grounds around the new building.

E & H Land (**Lance Evans**) submitted a letter to the City outlining the various options for a new storm drain line, the realignment of Park Lane, and a land exchange with the City and CenterCal. The Council discussed each of these items.

Glenn Symes reviewed a handout he prepared regarding public notice procedures which lists the various requirements for both subdivision and non-subdivision applications and whether they are reviewed by the Planning Commission or the City Council or both. He explained that the Commission has bylaws whereas the City Council does not. The Council discussed options such as posting a notice on the actual property, extending the area of mailing, and the timing and area of notice. Staff agreed to discuss other ideas and return at a later time with additional information.

Mr. Forbush said Robinson Waste Services, Inc. currently handles garbage collection for the City and have requested a contract extension. They provide great service to the City, and **Mr. Forbush** will locate past contracts and obtain information to present at the next Council meeting.

The following agenda items were also reviewed:

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #6)

Mayor Harbertson discussed Item 6-3, an agreement with **FJ Parker** regarding the installation of a fence. The City is obligated to install a fence from the **FJ Parker** home going north to lot 105, and Haskell Homes will install the remainder of the fence. The City prefers a high quality fence, but Haskell Homes does not. **Mr. Forbush** suggested that the owner of Lot 105 may contribute to the cost of installing a higher quality fence.

AMENDED DEVELOPMENT AGREEMENT WITH CENTERCAL REGARDING STATION PARK (Agenda Item #7)

CenterCal has several issues with the Development Agreement entered into between them and the City. The main issue is the amount of impact fees (paragraphs 17 and 18), and this amended agreement addresses that issue. Also, paragraph 5 deals with the completion of the road which needs further review. **Mr. Forbush** said CenterCal feels they should be charged impact fee amounts which were set four years ago, and he recommended that the Council table the agreement to allow additional time to clarify paragraphs 5, 17 and 18.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: *Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey*

Mayor Harbertson opened the meeting at 7:00 p.m. and welcomed those in attendance. **Cory Ritz** offered the invocation, and the Pledge of Allegiance was led by **John Bilton**.

PLANNING COMMISSION REPORT (Agenda Item #2)

Glenn Symes reported that there was only one agenda item—a flag lot request from **Merrill Law**. After much discussion and debate, the Commission tabled the item to allow staff and the applicant to agree on terms for the subdivision waiver. The Commission will review it again on July 29th, and the Council will review it in August. The option of obtaining additional property which was discussed in the staff report did not happen. Several residents who live west of the subject property attended the meeting.

**CONSIDERATION OF VACATION OF A PUBLIC UTILITY EASEMENT ON LOT 220
IN PHASE 2 OF THE POINT OF VIEW SUBDIVISION – RHETT JEFFERIES – 1172
Robyn Way (Agenda Item #3)**

Motion

Jim Talbot made a motion to approve the vacation of a recorded public utility easement on Lot 220 in Phase 2 of the Point of View Subdivision. The motion was seconded by **Rick Dutson**, and it was unanimously approved.

**REQUEST FROM STAPP CONSTRUCTION TO LEASE OLD CITY SHOP BUILDING
AND PROPERTY AT 42 NORTH 650 WEST (Agenda Item #4)**

Mr. Forbush said the City received a letter from Stapp Construction asking about the possibility of leasing the old City shop building and property and eventually buying the building. Mayor Harbertson recommended a denial of the request because the City shares a portion of the building with CenterCal, and a third party would complicate the use and scheduling of the building. If the City ever decided to sell the building, they do not want to sell it for a maintenance yard for a construction company.

Motion

Sid Young made a motion to deny Stapp Construction's request to lease the old City shop building and property at 42 North 65 West. The motion was seconded by **Jim Talbot**, and it was unanimously approved.

**PARK LANE COMMONS TRAIL PARK IMPACT FEE CREDIT ISSUE PERTAINING
TO CITY ENGINEERING COSTS (Agenda Item #5)**

Mayor Harbertson said developer **Rich Haws** is requesting an additional \$5,000 for a permit to extend the trail underneath Park Lane. He believes it is the City's responsibility and should not be part of the \$325,000 Park Impact Fee Chart set aside to use on the trail. However, the agreement clearly states: "The City shall provide reimbursement and/or grant credits against impact fees at the time they are due in the amount of \$325,000 for **all** costs and expenses related to the trail."

Motion

Rick Dutson made a motion not to amend the Development Agreement with Park Lane Commons allowing a credit of \$330,000 rather than \$325,000 and to authorize City Manager **Max Forbush** to inform **Rich Haws** of the Council's decision. **John Bilton** seconded the motion, and it was unanimously approved.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #6)

- 5-1 Ratification of Approvals of Construction & Storm Water Bond Agreement**
- 5-2 Authorization to sell surplus ambulance to Sunset City for \$19,500**
- 5-3 Approval of amendments to settle agreement with F. Jay Parker et al**

Motion

Cory Ritz made a motion to approve the items on the Summary Action List with additional language on 5-3 which will authorize the **Mayor** and City staff to negotiate an agreement regarding fencing with **F. Jay Parker** and Haskell Homes to the satisfaction of both parties. **Rick Dutson** seconded the motion which was approved by all Council Members.

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT WITH CENTERCAL FOR STATION PARK (Agenda Item #7)

Mayor Harbertson explained that CenterCal has requested that the impact fees remain the same as the rates which were set four years ago when they began the development. This First Amendment is the City's attempt to compromise with CenterCal, and **Mr. Forbush** recommended that the Council table the agreement to allow additional time to clarify paragraph but authorize staff to compute building permits with impact fees based upon the agreed upon wording in paragraphs 17 and 18.

Motion

Cory Ritz made a motion to table the amended Development Agreement with CenterCal regarding Station Park and authorize staff to negotiate with CenterCal regarding building permits and impact fee rates as per paragraph 17 and 18 of the Agreement. **Jim Talbot** seconded the motion which was approved by all Council Members.

UTA/CITY TRAIL AGREEMENT (Agenda Item #8)**Motion**

Jim Talbot made a motion to table the UTA/City Trail Agreement so that paragraph 13 may be rewritten. **Rick Dutson** seconded the motion, and it was unanimously approved.

RESOLUTION AMENDING CITY CEMETERY RULES & REGULATIONS (Agenda Item #9)**Motion**

Sid Young made a motion to approve the Resolution amending the City Cemetery Rules & Regulations limiting the sale of burial rights to Farmington City residents. The motion was seconded by **Rick Dutson**, and it was unanimously approved.

RESOLUTION AMENDING THE CITY'S CONSOLIDATED FEE SCHEDULE PERTAINING TO THE SALE OF THE "RIGHT TO BURIAL" FEES AND THE REPURCHASE OF THE SAME BY THE CITY FROM INTERESTED PARTIES. (Agenda Item #10)**Motion**

John Bilton made a motion to approve the resolution amending the City's consolidated fee schedule pertaining to the sales of the "right to burial" fees and the repurchase of the same by the City from interested parties. The motion was seconded by **Sid Young**, and it was unanimously approved.

APPROVAL OF RESOLUTION WITH DAVIS COUNTY PLANNING RELATING TO CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (Agenda Item #10A)

Motion

Rick Dutson made a motion to approve the Resolution with Davis County Planning relating to the conduct of a community development block grant program. The motion was seconded by **Cory Ritz** and was unanimously approved.

CITY MANAGER'S REPORT (Agenda Item #11)

New City Hall Issues

Mr. Forbush reviewed proposed change order HGC 75 which includes credit allowances to the City in the amount of \$32,895 which is added to the contingency amount, and the revised contract amount/contingency increases from \$170,759 to \$186,722.00.

Motion

John Bilton made a motion to approve change order HGC76. **Jim Talbot** seconded the motion, and it was unanimously approved.

Maintenance proposal arranged by City Manager and Jim & Shellie Christensen

Mr. Forbush said the **Christensens** have cleaned the City Hall for several years and would like to continue cleaning the new building. In order to determine a fair price, staff used the square footage of the old building and applied the same price on the new building to determine a fair price. The **Mayor** and the Council approved a three-month informal agreement with the **Christensens** to allow staff to obtain at least two other price quotes to conduct additional research regarding a fair rate.

MAYOR HARBERTSON'S REPORT (Agenda Item #12)

1. City surplus sale will be held on Tuesday, July 27th from 5-7 p.m. **Cory Ritz** and **Jim Talbot** will be out of town.
2. The **Mayor** suggested that the freedom plaques could be displayed in the elected officials' room.
3. The Utah League of Cities and Towns Convention will be held on September 15-17, 2010 in Salt Lake City.

4. UDOT will be hosting open houses to discuss the alternatives concerning the West Davis Corridor. He encouraged the Council to offer comments and to attend the forums, particularly the one which will be held at the Legacy Center. The meetings will be held from 4:30 p.m. to 8:00 p.m. on the following dates:

- **Tuesday, August 3, 2010**
Sunset City Hall
- **Wednesday, August 4, 2010**
Kanesville Elementary School - West Haven
- **Thursday, August 5, 2010**
Legacy Events Center - Farmington

The **Mayor** met with **Dave Freed** of Lagoon regarding a home on 100 North Lagoon is planning to demolish. City Planner **David Petersen** is looking at possible options for the home, and he discussed with the **Mayor** the possibility of having construction classes from local high schools remodel the home. The City could supply some RDA money, and Lagoon could supply funding for necessary materials to restore the home. **Mr. Freed** said he would approve such a plan, but the City would be required to use the building. Other possible uses for the home were discussed.

The **Mayor** said a call center has expressed interest in leasing the old K-Mart building. They have no other locations in Utah, they provide six months of training, and they plan to hire up to 500 quality people. Some of the positives are that it would be near a daycare center, a country club and Station Park, and it may bring synergy to that section of the City. Negatives which were discussed: (1) a higher number of rentals in the area, (2) no tax income from this type of business, and (3) employees may not be able afford housing in the area. The Council requested that staff send a letter that does not obligate the City to anything and invite them to come and discuss their proposal with the City Council.

Mayor Harbertson said he had a discussion with a Zions Bank representative and expressed his disappointment in their lack of interest for Festival Days. He said Kaysville has been given \$100,000. They apologized and said there will be donations in the future.

CITY COUNCIL REPORTS (Agenda Item #13)

Jim Talbot

- The protruding screws on the Lagoon Trail have not been fixed. **Mr. Forbush** asked the Parks and Recreation Department to correct the problem, and he expects it will be completed soon.

Sid Young

- A neighbor suggested a trail around South Park, and the Trails Committee agreed that it would be a better option than having a trail along frontage road.

- He inquired about a fire in the foothills, and **John Bilton** said there was a small fire north of **Merrill Bean's** property which burned a couple of acres. The **Mayor** said two teenagers left backpacks containing numerous bottle rockets. Residents caught the teenagers and called the Fire Department who said they were minutes away from losing the entire hillside.
- The Golf course has scheduled a tournament which they would like to begin with a canon shot. **Mr. Forbush** suggest that they be advised to communicate with **Chief Hansen** regarding the request.

Rick Dutson

- He thanked the parks and recreation staff for a great job on Festival Days.
- He encouraged continued effort on the punch lists for the new building.
- A meeting of city officials said the recession is abating slightly.
- He met with **Craig Trottier** of CenterCal who showed him an elevation of the theaters, and he was impressed with the quality.
- A resident on 100 North has submitted a complaint about a neighbor who has three Doberman dogs. They have encroached onto the trail easement and have caused problems for some children in the neighborhood. The owners said the City gave them a variance for the three dogs. **Mr. Forbush's** advice was to have the residents submit a letter to the Davis County Animal Control regarding the problem.

Cory Ritz

- He asked about the City's policy regarding dangerous dogs in the City. **Mr. Forbush** said the City's policy is the same as the Davis County ordinance. Dangerous animals should be reported to Davis County Animal Control.

John Bilton

- He inquired about the water meters that Lagoon plans to install to track water usage. **Mr. Forbush** said they are installing \$25,000 of equipment from Neptune Technology Group, but their equipment will not determine peak flows. The City will continue to send them the monthly statements which include peak flows.
- He asked if **Jim Hansen** was satisfied as to why the water rate on his former campaign office is higher than his home. **Mr. Forbush** said the issue is with Central Davis Sewer and not the City.

MISCELLANEOUS (Agenda Item #14)

- There was discussion regarding the extension of a free right lane going into Station Parkway. UDOT's attitude is that there will be stacking in the land, and Park Lane will fail. They are willing to grant a permit for a 150-foot ingress lane; however, if and when stacking of more than 8 vehicles occurs, the City would be required to build an extension. An agreement is currently being prepared.
- **Mr. Forbush** explained that the Council would soon see agreements from UDOT for CRS to be construction managers for the D&RG trail. He recommended that the Council approve a local jurisdiction contract between UDOT and the City regarding construction management services for the trail. He said their plan is to build it this year.
- The **Mayor** said **Paul Hirst** is still interested in leasing a portion of the City Hall. The Council agreed that it had been advertised, and they authorized staff to prepare an agreement with **Mr. Hirst**.
- There was a brief discussion regarding a new roller coaster Lagoon will be installing in the year 2013-14 and about their possible north entrance.

ADJOURNMENT

Motion

Rick Dutson made a motion to adjourn the meeting. The motion was seconded by **Sid Young**, and it was approved by all Council members. The meeting was adjourned at 8:40 p.m.

Margy Lomax, City Recorder
Farmington City Corporation